

# 3. Akmaluddin Syahputra, Khalid 283-294.pdf

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## Integration of Islamic Law and Customary Law on Inheritance (Case Study in Tanjung Pura District, Langkat Regency)

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**Abstract.** This study discusses the integration between Islamic Law and Customary Law in the context of inheritance distribution in Tanjung Pura District, Langkat Regency. With an in-depth case study, this research presents an in-depth understanding of inheritance practices, the role of Islamic Law, and adaptation to local values. The results highlight the alignment of inheritance division with the principles of Islamic Law, while Customary Law also plays a role in shaping the norms that influence this process. It was found that the integration of these two legal systems is manifested in inheritance practices, which reflect tolerance, deliberation, and settlements that consider family values. Nonetheless, disagreements and divergent views on wills and property division were also identified, illustrating the dynamics and complexities of harmonizing these two legal systems. This study contributes to the understanding of how local communities integrate legal and customary aspects in managing inheritance, creating a balance between Islamic norms and local values passed down from generation to generation.

**Keywords:** Customary; Islamic; Inheritance; Integration.

### 1. INTRODUCTION

Islamic law, as a legal system recognized, respected and implemented in Indonesia, operates alongside two other legal systems, namely customary law and civil law. This research focuses on these two legal systems, namely Islamic law and Malay customary law, in the belief that both can provide different solutions to similar problems. The integration between the two is considered contributive in forming a comprehensive national law.<sup>1</sup>

History shows that Malay customs developed in tandem with the spread of Islam, and while *adat* has an important role, Islam exerts its distinctive influence. The two systems are seen to complement each other in the lives of the Malays, where customs that are in line with Islamic Law are still respected.

This research focuses on inheritance law because of its crucial role in reflecting the family system in society. Inheritance law not only reflects the family system, but is also

<sup>1</sup> Abdullah Syah. (2020). *Integrasi Antara Hukum Islam dan Hukum adat dalam Kewarisan Suku Melayu di Kecamatan Tanjung Pura Langkat*. Jakarta: PPs IAIN Syahid. p. 7

closely related to human life as a whole. Therefore, the research was conducted in the Tanjung Pura Malay community, where the integration of religion and custom is considered very strong.

Tanjung Pura, historically influenced by Islam through its relationship with the Kingdom of Aceh, forms the basis for understanding the continuity of Islamic teachings in the lives of local people. The acceptance of Islam by the Malays is considered an inseparable part of their identity, making Malay religion and culture a unified whole.

Changes in norms or value systems within social groups are also a focus, with the understanding that individual thinking can shape and influence the development of norms and value systems. These changes tend to be triggered by an individual's desire to adapt to the environment, especially in aspects of beliefs and philosophy of life.

The background of this problem opens further understanding of the integration between Islamic law and Malay customary law, especially in the context of inheritance law. In addition, this research also explores how Islam and Malay culture complement each other in shaping community identity and values in Tanjung Pura.

New thoughts and ideas, both from within and outside a society, can trigger changes in people's worldviews, beliefs, and behavior patterns. These changes can involve breaking up old value systems and norms, creating new ones, and resulting in three alternatives: integration, assimilation, or acculturation, depending on the dominance of the existing value systems and those coming from outside.

This also applies to Islamic Law and Customary Law in the Langkat Malay tribe. Malay customs, which have the force of law, developed along with the existence of the sultanate and were supported by the palace. However, Islam also has a central role in the life of the Malay people, regulating human relationships with God and fellow humans.<sup>2</sup>

The integration between Islamic Law and Customary Law in the Langkat Malay tribe is reflected in the understanding that *adat* relies on sharia, and sharia binds *adat*. The strength of Islam and the fanaticism of the Malay tribe towards their religion make this integration an integral pattern of behavior that includes elements of religion and custom.

During the Langkat Sultanate, Sultan Abdul Aziz Abdul Jalil Rahmat Syah was very vocal in developing Islamic teachings and establishing madrassas. The existence of madrassas and sending sons of the community to deepen religious knowledge shows the Sultan's efforts to strengthen the understanding of Islamic Law in the community.

The simultaneous use of Islamic and Customary Law was based on the authority of the Sultan of Langkat, known as the "Kerapatan." The Langkat Sultanate judiciary decides cases based on the teachings of Islam and *adat*, and the Sultan has a central role in deciding cases after hearing the opinion of the Majlis consisting of scholars and religious leaders.<sup>3</sup>

<sup>2</sup> A.G. Muhaimin. (2021). *Islam Dalam Bingkai Budaya Lokal: Potret Dari Cirebon*. Jakarta: Logos. p. 12

<sup>3</sup> Zakiyuddin Baidhaway & Jinan Mutohharun. (2023). *Agama dan Pluralitas Budaya Lokal*. Surakarta: PSB-PS UMS.

The clerics of the Langkat Sultanate era motivated the use of Islamic law in the community. The Malay tribe's fanaticism towards Islam remains to this day, where religion is the starting point for judgment in many aspects of community life.

In the process of integration between religion and custom, religion remains the dominant force, and Customary Law is accepted as long as it does not conflict with religious teaching<sup>4</sup>. Therefore, in Langkat Malay society, it is difficult to find legal dualism because Islamic Law and Customary Law have integrated into a solid unity.

The issue of integration between Islamic Law and Customary Law in the context of inheritance attracts attention for several main reasons. First, Inheritance Law involves the division of property and the establishment of family relationships, making it crucial to prevent disputes and divisions within families. Second, Islamic Law and Customary Law have established the details of inheritance division, often creating touch points, especially in areas such as West Sumatra. Third, it is unclear to what extent there is integration between Islamic Law and Customary Law in inheritance issues in the Tanjung Pura Malay tribe. Fourth, it is worth noting the negative side effects of this integration, such as the potential neglect of the non-neutral aspects of Islamic Law, thus requiring an effective countermeasure approach.

This study aims to explore the embodiment of Islamic and Customary inheritance law in the social reality of the Malay tribe in Tanjung Pura District, Langkat. In addition, this study also aims to identify the factors of integration between Islamic inheritance law and Customary Law of the Malay tribe in the region. The research method includes an inventory of inheritance law according to the Customary Law of the Malay tribe in Tanjung Pura District. Another objective is to understand the causes of disputes in inheritance issues and the non-division of inherited property for generations.<sup>4</sup>

From all these objectives, it is hoped that the results of this study can make a significant contribution to science, especially in the fields of law and religion. In addition, it is hoped that the findings of this study can be a valuable contribution to the development of National Law, especially in the planning of laws on National Inheritance Law. This is because in the development of national family and inheritance law, Customary Law is considered the core that plays an important role.

## 2. RESEARCH METHODS

This research was conducted in Tanjung Pura sub-district by selecting samples from eight villages, namely: Pekan Tanjung Pura Village, Kampung Lalang Village, Teluk Bakung Village, Pematang Serai Village, Pulau Banyak Village, Baja Kuning Village, Bubun Village, and Kuala Serapuh Village. The sampling method used purposive sampling, while the determination of respondents in each village used random sampling. The sample selection was based on several specific reasons: First, Pekan Tanjung Pura Village was chosen because it is the capital of the sub-district and the former capital of the Sultanate of Langkat, displaying diversity that is different from other villages. Second, Kampung Lalang Village was chosen because it is directly adjacent to Pekan Tanjung Pura, but its residents have minimal influence from the city because *adat* dominates. Third, Teluk Bakung Village was chosen because it is directly adjacent to the city, but is bordered by the Batang Serangan river, and its residents

<sup>4</sup> Tenas Effendy. (2024). *Tunjuk Ajar Melayu: Butir Budaya Melayu Riau*. Pekanbaru: Dewan Kesenian Riau. p. 17

tend to be fanatical in terms of religion. Fourthly, Pematang Serai village was chosen because it is an inland area with many Javanese people who have just come from Java, so the influence of the city on the population is minimal. Fifth, Pulau Banyak Village was chosen because it is an inland area with a majority Malay population, maintains strong customs and has a more advanced level of education. Sixth, Baja Kuning Village was chosen as an inland area with a majority Javanese population, whose customs are heavily influenced by Javanese customs. Seventh, Bubun Village was chosen as a coastal village that was used as a pilot for the North Sumatra Coastal Village Project by the North Sumatra Level I government, so it has been more affected by development. Lastly, Kuala Serapuh Village was chosen as a coastal village where the majority of the population relies on marine products, with no agriculture, low education, and a lack of religious knowledge.

This research will collect data involving the geographical location, community structure, and population situation in Tanjung Pura Sub-district. Information related to customs in the division of inheritance, the social reality of inheritance<sup>4</sup> in the community, as well as the integrated legal aspects and the impact of the *integration of Islamic law in customary law* will also be the focus of data collection. The main data sources include *ulama* who are directly involved in the division of inheritance, traditional leaders, community leaders, government officials, and documentary materials from the Religious Court/State Court.<sup>5</sup> The research method involves a literature study to seek written information and research results related to the issue at hand. In addition, field studies were conducted to ensure the reliability of the data, involving observation, interviews and document analysis. The approaches used include descriptive analytical and case study, with the support of social sciences such as sociology of law, sociology of religion, and social anthropology as interdisciplinary support. Data obtained from various sources will be analyzed using qualitative methods to describe and understand the phenomena that arise.<sup>6</sup>

### 3. RESULT AND DISCUSSION

#### 3.1 Testament

In the context of wills, people tend to accept that wills can be given to heirs and parties outside the family who are heirs (74.43%). Although there is a view that a will can only be given to heirs (13.63%).<sup>7</sup> A written will is considered better (31.26%), but there are still those who accept oral wills (43.84%). The validity of a will does not always require the consent of all heirs (73.62%).

Other considerations include limiting the will to 1/3 of the inheritance amount if it involves materials that exceed the amount of the estate (78.15%). If the will indicates the payment of debts that exceed the amount of the inheritance, most respondents emphasized that such debts are not the responsibility of the heirs (92.7%).

The inheritance or heirloom property in this area generally consists of tangible objects and property rights left behind by the testator. Exceptions related to heirlooms involve the cost of organizing the funeral, paying off the deceased's debts, and executing the

<sup>4</sup> R. Bogdan & S.J. Tylor. (2023). *Kualitatif Dasar-Dasar Penelitian (terjemahan)*. Surabaya: Usaha Nasional. P. 12

<sup>6</sup> Lexy J. Moleong, (2020). *Metode Penelitian Kualitatif*. Bandung: Remaja Rosdakarya.

<sup>7</sup> *Al-Fikra: Jurnal Ilmiah Keislaman*, Vol. 11, No. 2, July – December, 2021.

will if funds are required. The most commonly used term for inheritance is "pusaka" (54.61%), followed by "legacy" (22.95%) and "inheritance" (21.03%).<sup>8</sup>

### 3.2 Objects of Inheritance

Objects or assets that become heirlooms generally involve land/housing sites, livestock, houses, and gold jewelry. However, vacant land, rice fields, gardens, money, tools, and debts are also included in the category of heirlooms. Assets with less economic value, such as clothing, furniture, books, etc., are usually distributed as gifts or alms to heirs or non-heir families.

Heirlooms in the form of palaces and regalia are only found in the remains of former kingdoms, such as the palace of the Kingdom of Langkat. However, over time, these customs are less well known among the community. Money from insurance coverage and pensions can cause problems related to the testator not listing all the names of the heirs in the policy letter. This can lead to disputes between heirs who feel unrecognized.

Problems also arose with pensions because the names listed on the employee's payroll only included his wife and some of his children. Heirs who are not listed feel it is unfair and demand that it be distributed equally. However, the separation between the joint property of husband and wife and the personal property of the testator is generally recognized.

Regarding the debts and receivables of the testator, most heirs consider them as their rights and obligations. The testator's debts are usually paid from the estate before the distribution of inheritance. However, there is also a view that the testator's debts are not the responsibility of the heirs and his receivables are included as part of the inheritance.

According to customary law in this area, position, office or dignity cannot be inherited (80.71%). This means that even if a person has a certain dignity such as a tribal or *adat* chief, it will not be passed on to their heirs.

An heir in Tanjung Pura is a person or group of <sup>5</sup> people who are entitled to receive the transfer of inheritance from someone who has died. The determination of heirs is based on nasab (family) and marital relationships. In Islam, there are additional reasons such as freeing slaves and wali al-muwalat, but the last factor may not be found in this area.

The familial relationship on which inheritance is based involves children, grandchildren, siblings and so on. The marital relationship is recognized after the marriage contract, and a child born out of wedlock does not inherit from the father who had intercourse with the mother. In this case, the child inherits only through the woman who gave birth to him or his mother's side of the family.

The list of people entitled to receive inheritance includes spouse, father, mother, grandfather, grandchildren, brothers and sisters, sons, and daughters. Beneficiaries

<sup>8</sup> Funk and Wagnalls. (2024). *Standars Desk Dictionary*. Cambridge: Harper and Row. p. 14

may include various levels of kinship, and the estate will be divided according to the distribution rules.<sup>9</sup>

It is important to note that adopted children are not entitled to a share in **the distribution of inheritance according to Islamic Law** in this area. Child adoption can occur in a variety of contexts such as pulang kasih, pulang obat, habis utang wali, kongsi, and rasi.<sup>10</sup> However, child adoption does not confer inheritance rights to the adopted child, and his rights remain with his biological family.

In the distribution of inheritance, there is no distinction between the eldest and the youngest child, in accordance with Islamic Inheritance Law. However, in some cases, the eldest son may take immediate possession and management of the heirloom property before a formal division is made. This will then revert back to the division in accordance with Islamic Law

In relation to the determination of heirs, most respondents were of the opinion that no certificate from the Shari'ah Court was required, unless there were issues or disagreements that required an official determination from the Shari'ah Court.<sup>11</sup>

Wives, including second, third and fourth wives, can receive inheritance according to the view of the majority of respondents. However, a small number were of the opinion that second, third and fourth wives were not entitled to inherit. Inheritance rights are void if the heir kills the testator, if there are religious differences, or if there is a divorce without the possibility of reconciliation. Disobedience to one's parents is also considered a reason for disinheritance according to some respondents, although this is not recognized in Islamic jurisprudence literature.

### 3.3 Heirs

The essence of the discussion on heirs and inheritance in this area can be summarized as follows:

Ahli waris refers to an individual or group of people who have the right to receive the transfer of heirloom property from someone who has passed away, in accordance with the rules that apply in this area. The rights of these heirs are determined by the provisions of the distribution of heirlooms, and the causes of heirship between individuals in Tanjung Pura involve the relationship of nasab (family) and marriage.

In Islam, marital relations and the freeing of slaves can also be causes for inheriting property. However, this difference in application may be due to the fact that the latter two factors are rarely encountered in this area, particularly the lack of recognition of slaves or servants.<sup>12</sup>

The heirs entitled to inherit involve a variety of familial and marital relationships, including spouses, parents, grandparents, grandchildren, brothers and sisters, and sons and daughters of various lineages. Islamic and customary law stipulate that

<sup>9</sup> Judistira K. Garna. (2020). *Ilmu-Ilmu Sosial Dasar – Konsep – Posisi*. Bandung: Universitas Padjadjaran. p. 13

<sup>10</sup> Muhaimin. (2001). *Islam dalam Bingkai Budaya Lokal Potret dari Cirebon*. Jakarta: Logos. p.16

<sup>11</sup> Judistira K. Garna. (2019). *Metoda Penelitian Pendekatan Kualitatif*. Bandung: Primaco Akademika. p. 11

<sup>12</sup> Amir Luthfi. (2021). *Hukum dan Perubahan Struktur Kekuasaan: Pelaksanaan Hukum Islam dalam Kesultanan Melayu-Siak 1901-1942*. Pekanbaru: Susqa Press.

adopted children are not entitled to a share in the division of inheritance, and child adoptions can be made on various grounds such as pulang kasih, pulang obat, habis utang wali, kongsi, and rasi.

In the division of inheritance, family composition plays an important role in determining who is entitled to receive a share. Although Islamic law gives equal rights to sons and daughters, in practice in this area, the division of inheritance does not distinguish between the eldest and youngest child. Nonetheless, customary law may influence the implementation of the division.<sup>13</sup>

Determination of heirs does not always require a certificate from the Shari'ah Court, but in some cases, a determination of heirs from the Shari'ah Court may be required to resolve disputes. This process is not always undertaken if there is no dispute or difficulty in determining the heir.

Specifically related to the inheritance rights of wives, both the first wife and the second, third and fourth wives can be heirs. Although, there are views to the contrary, especially if there is a murder of the testator or a difference in religion between the beneficiary and the testator. In some cases, inheritance rights can also be nullified due to disobedience to parents, although this view is not common in Islamic jurisprudence literature.

### 3.4 Division of Inheritance

Discussions about the timing of inheritance distribution in this area show a high degree of tolerance, with the estate being divided only if all heirs have reached consensus (38.43%). However, if there is pressure from one of the heirs, the others still allow it without refusing (30.84%), indicating tolerance within the family. The delay in distributing the inheritance is often related to the immaturity of the children or the fear of disputes among the heirs.

The division of inheritance is often done after the death of both parents (31.74%), with fear of disputes being the main reason for delay. For the division to be considered valid, most respondents considered it important for all heirs to be present or even attended by local officials/customary authorities (61.06%).

In terms of the portion or share of inheritance, there are differences of opinion regarding giving more to sons (58.97%) or equality between sons and daughters (30.86%). The share for wives or husbands tends to follow the provisions of Islamic Law (88.24%), while other opinions state that their share is equal to that of sons (2.58%).

In the context of wills, people tend to accept that wills can be given to heirs and parties outside the family who are heirs (74.43%). Although there is a view that a will can only be given to heirs (13.63%). A written will is considered better (31.26%), but there are still those who accept oral wills (43.84%). The validity of a will does not always require the consent of all heirs (73.62%).

Other considerations include limiting the will to 1/3 of the amount of the inheritance if it involves materials that exceed the amount of the estate (78.15%). If the will

<sup>13</sup> Pemkab Siak. (2020). *Siak dalam Angka*. Siak Sri Indrapura: Bapeda dan BPS Kabupaten Siak.



indicates the payment of debts that exceed the amount of the inheritance, most respondents emphasized that such debts are not the responsibility of the heirs (92.7%).

### 3.5 Facets of Integration

Islamic law and Malay customs can integrate with each other as long as customary law does not conflict with Islamic law. Historically, Islamic Law once controlled all aspects of Malay life, including criminal and civil matters. However, since the era of Dutch rule, many Islamic laws were abolished because they were considered primitive and not in accordance with human values. Despite the limited power of Islamic Law, integration with Customary Law occurs especially in civil law at the village level, where people tend to combine Islamic Law with customary provisions that do not conflict.<sup>14</sup>

On the issue of inheritance, the Majelis Syar'i, which was established in 1930 in Serdang, experienced obstacles in integrating customary law with religious law, especially in the settlement of faraid or the division of inheritance. Although the Syar'i Council was subject to the Sultan, the resolution of faraid issues was based more on general Islamic Law. However, the influence of the *Undang-Undang* Hukam Kanun, which is Malay Customary Law adapted to Islamic Law, still plays an important role in the division of inheritance.

In reality, the Malay community generally uses religious law in the division of inheritance, but there is the use of Customary Law in some cases, such as equal division between sons and daughters, or *adopsi* for stepchildren through deliberation. Although the division is basically based on Islamic Law, *adat* also influences the deliberation of the heirs in determining their respective shares. Despite integration, the division of inheritance is basically done according to Islamic Law, and *adat* plays a role in adjusting certain aspects based on deliberative decisions.<sup>15</sup>

### 3.6 Effect of Integration

There are two things that can be found in Malay society as a result of the integration of religion and custom. The first is that the Malay community is still lay, especially unable to distinguish between religious and customary imperatives. This is reasonable, because the application of law in the community is always associated with religion, so that the influence of religion seems dominant. A problem that arises in the community is seen through the eyes of religion. If it is evident that there is a conflict with religion, then the issue is unconsciously adjusted to religion, so that people tend to judge the issue as also a religious provision, in the case of customary issues that are adjusted to religion. Therefore, in Malay society, it appears that customary law and religion are not mutually exclusive.

There are positive and negative aspects to this. The positive aspect is that the maintenance of *adat* provisions can be so strong that *adat* itself becomes more intact in the psyche of the community. People are afraid of violating *adat*, just as they are afraid of violating religious provisions, if people are reluctant to violate religion because

10

<sup>14</sup> Robert Redfield. (2022). *The Little Community and Peasant Society and Culture*. Chicago: Chicago University Press. 7. 78

<sup>15</sup> Budi Santoso et al.,(2021). *Masyarakat Melayu Riau dan Kebudayaannya*. Pekanbaru: Pemda Riau. p. 65

they are afraid of sinning, then the same is true for *adat* which is integrated with religion.

Thus the maintenance of religion and custom goes hand in hand, so that there is no division of norms and values in society. This allows two things to happen as well, one of which is the easy integration of society, because it gets the same social control system between the possibility of religion and custom. Secondly, religious and *adat* leaders have the same authority in the community. It is not even possible to distinguish between religious and *adat* figures. Religious figures may know about *adat* and people who are considered *adat* figures are also figures who know a lot about religion. This is a historical legacy in the life of the Malay tribe where since long ago the community has always included religious leaders in dealing with community issues.

This also has an influence on the social control system. Basically, religious figures have authority because of their religion, because the knowledge they have is sacred compared to other sciences. But if people have tended to regard religious figures as equal to other people or scholars, the authority of the *ulama* has faded. This is probably one of the reasons why today people give less respect to religious figures. In addition, the *ulama* in relation to the respect of the community, there is a distinction between *ulama* who do not interfere in social matters (*ulama* who alienate themselves from community life) and *ulama* who are busy with worship (*amaliah*), synagogues and other community duties. The latter *ulama* in Malay society have a higher level of religiosity compared to the former.<sup>16</sup>

Furthermore, the system of control over the behavior of people who deviate from the rules of customary law or customs is usually carried out through gossip linked by the community or physical sanctions; while violations of religious law are basically a feeling of sin to their Creator and fear of punishment in the future. That is the system of social control. In the integration of religion and custom, there is also a tendency for people not to violate religious provisions for fear of being gossiped about in the community. Moreover, it is an act that cannot be prosecuted as a criminal offense under positive law.

Another tendency as a result of the integration between religion and *adat* is that some religious provisions can be cultivated among the Malay community. If this is the case, the Malay community will appear as a religious community. Comparing with the possibilities described earlier, the statement that the Malay community is a religious community is still doubtful. Indeed, in terms of the development of religious rules in society and the tendency to use religious provisions, it might be said that Malay society is a religious society. However, starting from the fact that the Malay community is very firm in upholding *adat* and it turns out that it can be combined with Islam, it is possible that people carry out religious teachings because they are motivated by *adat*. Moreover, there are still many among the common people who cannot distinguish between *adat* and religion.<sup>17</sup>

For this reason, the Malay community's claim to be a religious community is still questionable and needs to be explored. The answer to this can be seen from the

<sup>16</sup> Amir Syarifuddin. (2019). *Pelaksanaan Hukum Kewarisan Islam dalam Lingkungan adat Minangkabau*. Jakarta: Gunung Agung.

<sup>17</sup> Yusmar Yusuf. (2020). *Gaya Riau Sentuhan Fenomenologis Budaya Melayu di Tengah Globalisasi*. Pekanbaru: UNRI Press. p. 45

religious education of the community. If the community has a relatively high level of knowledge about Islam, so that it can find the separation point between what is said to be custom and religion, and the strength of the two sources is found in the group clearly, then it can only be said that the community is a religious community or not. In short, psychologically or in terms of the nature of the people doing the act, the Malay community is not yet fully acceptable as a religious community.

This does not mean that the community is irreligious, but it means that they lack religious knowledge, while their fanaticism for religion remains strong. However, when viewed from the fact that many of the provisions of the rules found in the community are generally not contrary to the teachings of Islam, it can be said that the Malay community is a religious community. The negative possibility as mentioned above can occur, but it is likely to be limited to people who do not understand religion deeply. But the reality is that people cannot separate religion and *adat*, rather *adat* has become religion, in which case religion is more dominant. The dominance of religion can be experienced precisely because the community is keen to implement religious education, especially in the form of formal education.<sup>18</sup>

Another effect of the integration of religion and *adat* is the religious understanding of something that grows outside the standard religion. A socio-cultural system will not be rejected by the community if it does not conflict with religion, especially if there are elements that coincide with religion. The word *bid'ah* about something that comes from outside religion will not occur in the community. This can make the community safe and there will be no excessive conflicts among people who follow a religion.

This is also the case with the division of inheritance and property. The integration of religion and *adat* in it shows the various influences that may occur. As can be seen from the previous description, the forum for deliberation between heirs is not a finding between *adat* and religion. The heirs have no difficulty accepting a decision that is based on customary provisions as well as on the basis of deliberation. The positive effect of this integration is that it avoids the possibility of conflict between heirs over inheritance. For example, a stepchild under Islamic law should not receive inheritance from his stepfather. However, due to deliberation among the heirs based on customary considerations, stepchildren can obtain a share of their stepfather's inheritance if their mother (the widow of the testator) is still alive. Although this may reduce the rights of the heirs if based on Islamic Law, because of deliberation and mutual consent, it is not a problem.<sup>19</sup>

This combination of religious and customary law means that the settlement of inheritance does not go to court, but only among the heirs, witnessed by elders and religious leaders. This also avoids the possibility of disputes among the heirs. Another advantage that can be seen as a result of this integration is the widespread cultivation of Islamic Law in inheritance matters among the community. The cultivation of Islamic law in such matters is the direction towards the realization of a truly Islamic society, not a society that only adheres to Islam.

In addition, this integration can also result in the avoidance of a stark dualism between the need to accept religious law on the one hand and the need to accept *adat* on the

<sup>18</sup> Zikri Darussamin, (2021). *Integrasi Kewarisan adat Melayu-Siak Dengan Kewarisan Islam*. p. 29

<sup>19</sup> Husaini Usman dan Purnomo Setiady Akbar. (1996). *Metodologi Penelitian Sosial*. Jakarta: Bumi Aksara. p. 213

other, because the two laws can be combined at the same time without compromising their respective qualities. A further consequence of this is that there can be integration and stability in society.

#### 4. CONCLUSION

Based on the discussion in the previous chapters, several conclusions can be drawn. Firstly, the Law of Inheritance in Islam is based on the Quran and Sunnah, diijtihadized, and regulated by human reason. Second, inheritance is an automatic process without consent, takes place in accordance with Islamic Shari'a, and cannot be prevented. Thirdly, Islamic Inheritance Law follows the principle of bilateral individual inheritance, not limiting which party it comes from and not depending on gender. Fourth, heir rights are determined by blood relations, marriage, fraternal agreements, and fairness according to responsibilities in the family and society. Furthermore, women got a special change in the Islamic Law of Inheritance after Islam came, getting a share of the inheritance, and could not be inherited. Fifth, the Malay tribe adheres to the parental family system and always adheres to Islamic Shari'a law and is tolerant of its customs. Sixth, integration between Islamic Law and Malay Customs occurs, and the community considers that only Islamic Law applies. Seventh, husband and wife can have their own and joint property. Eighth, the rights of wives in inheritance and union property are guaranteed, and the debt responsibility of the testator is only moral. Ninth, *adat* and religion do not contradict each other, but rather complement each other without conflict, thanks to deep tolerance. Tenth, deliberation is strongly emphasized, especially in the settlement of inheritance matters, and integration between Islamic and Customary Law continues to develop. Tenth, women are entitled to inheritance in accordance with their fairness and responsibility. Tenth, *ulama* play a dual role as religious and *adat* leaders, with minimal conflict between religious and *adat* teachings. Tenth, men's share is greater because they have more responsibilities, and the Islamic inheritance system adopts the principle of equal justice. Tenth, the Malay community is generally Muslim, and the applicability of "entering Malay is entering Islam" is well known. Tenth, the national inheritance law should be codified/unified, open to variation, and based on Pancasila and the 1945 Constitution. Tenth, the birth of the Inheritance Law should be in accordance with religious teachings, provided that it does not conflict with Islamic Sari'at Law.

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PAGE 10

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PAGE 12

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